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Attorneys for Defendant, SF MARKETS, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MEERA GARG; and SUBHASHISH
GARG,

Plaintiffs,

v.

SF MARKETS, LLC; SPROUTS
FARMERS MARKETS, LLC; DOES 1-
50,

Defendants.

Case No.: 4:20-cv-8439
Assigned to:

NOTICE OF REMOVAL

Action Date: October 1, 2020
Trial Date: Not Set

**TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA AND TO PLAINTIFFS MEERA GARG AND SUBHASHISH GARG AND
THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that defendant SF MARKETS, LLC (hereinafter “defendant”) by and through undersigned counsel, hereby removes the above-entitled action from the Superior Court of the State of California for the County of Alameda to the United States District Court for the Northern District of California pursuant to 28 U.S.C. Sections 1332, 1441, and 1446. In support of such removal, defendant states the following:

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THE STATE COURT ACTION

- 1 On October 1, 2020, an action was commenced in the Superior Court of the State of California in
2 and for the County of Alameda, entitled Meera Garg and Subhashish Garg, Plaintiffs vs. SF
3 Markets, LLC, et al., Defendants as Case Number RG20075943. A copy of the complaint is
4 attached hereto as Exhibit "A."
- 5
6 2. The first date upon which defendant received a copy of said complaint was October 22, 2020,
7 when defendant was served with a copy of said complaint and a summons from said state court.
8 A copy of the summons is attached hereto as Exhibit "B."
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10 3. Plaintiffs named Sprouts Farmers Market, LLC erroneously in their complaint, as SF Markets,
11 LLC is the entity that operates the Sprouts Farmers Market store plaintiffs allege the incident took
12 place.
- 13 4. Defendant filed an answer to plaintiffs' complaint on October 23, 2020. A copy of the answer is
14 attached hereto as Exhibit "C."
- 15 5. The state court matter is currently pending. Trial has not yet been set. Discovery is in its early
16 stages. All process, pleadings, and orders served can be found attached as Exhibit "A" through
17 "D," including the following:
18
19 A. Plaintiffs' complaint;
20 B. Summons;
21 C. Defendant's answer; and
22 D. Plaintiffs' Statement of Damages.

REMOVAL OF PLAINTIFFS' CLAIMS IS PROPER ON THE BASIS OF DIVERSITY

- 23
24 6. The Amount in Controversy Exceeds the Jurisdictional Minimum of \$75,000. This action is a
25 civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which
26 may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(b) in
27 that it is a civil action between citizens of different states and the matter in controversy exceeds
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the sum of \$75,000, exclusive of interests and costs because plaintiffs allege and seek at least \$1,203,685.40 in damages as stated in the Statement of Damages. See Exhibit "D" attached. Defendant received plaintiffs' Statement of Damages on November 10, 2020, whereupon it first learned that the amount in controversy exceeds the jurisdictional minimum.

7. Complete Diversity of Citizenship Exists. Plaintiffs are citizens of the State of California; and defendant SF Markets, LLC is a citizen of the State of Arizona and the State of Delaware. SF Markets, LLC is a limited liability company ("LLC") organized under the laws of the State of Delaware. An LLC's citizenship is determined according to the citizenship of its members. See *Johnson v. Columbia Properties Anchorage, LP*, (9th Cir. 2006) 437 F3d 894, 899. Its sole member is Sprouts Farmers Markets Holdings, LLC, which is also an LLC organized under the laws of the State of Delaware. Where a partnership, LLC, or other business association is a member of another partnership or LLC, citizenship is ascertained by examining the member entity's own members, or "submember[s]." See *V & M Star, LP v. Centimark Corp.*, (6th Cir. 2010) 596 F3d 354, 356. The sole member and owner of Sprouts Farmers Markets Holdings, LLC is Sprouts Farmers Market, Inc., which was and is a corporation incorporated under the laws of the State of Delaware and having its principal place of business in the State of Arizona. Therefore, defendant SF Markets, LLC is also a citizen of Delaware and Arizona for the purposes of diversity and thus complete diversity between all plaintiffs and defendants exists.

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2 8. In the event this Court has further questions regarding the propriety of this Notice of Removal,
3 defendant respectfully requests that it issue an Order to Show Cause so that defendant may have
4 an opportunity to more fully brief the basis for removal.
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6 Date: November 30, 2020

TYSON & MENDES, LLP

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8 By: /S/ Richard G. Somes
9 RICHARD G. SOMES, ESQ.
10 Attorneys for Defendant, SF MARKETS, LLC
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CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 years and not a party to the within action or proceeding. I am employed in and am a resident of Orange County where the mailing occurs; and my business address is Tyson & Mendes, LLP 17885 Von Karman Avenue, Suite 450, Irvine, CA 92614.

On November 30, 2020, I caused to be served the following document(s):

NOTICE OF REMOVAL

on the interested parties in this action by:

X

ONLY BY ELECTRONIC TRANSMISSION. Only by e-mailing the document(s) to the persons at the e-mail address(es). This is necessitated during the declared National Emergency due to the Coronavirus (COVID-19) pandemic because this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. Receipt of any given electronic message will be assumed and attributable to the recipient unless and until indication that the transmission was unsuccessful is received. We will provide a physical copy, upon request only, when we return to the office at the conclusion of this National emergency.

Please consider this correspondence as acceptance of your office following the same procedure. If your office has any objection to our office following this policy, please let us know promptly. If there is an objection, we will attempt—but cannot guarantee—to send physical mail in this matter. Similarly, if you send mail to our physical address, it may not be received and processed until we return, as above specified.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 30, 2020, at Irvine, California.

/s/ Claudia Coronado

Claudia Coronado

SERVICE LIST

<p>Jamie V. Retmier, Esq. SCRANTON LAW FIRM 2450 Stanwell Drive Concord, CA 94520 Tel: (925) 602-2727 / Fax: (925) 676-9999 Email: jamier@scrantonlawfirm.com Paralegal: Stacy Acosta, staceya@scrantonlawfirm.com</p>	<p><i>Attorney for Plaintiffs MEERA GARG and SUBHASHISH GARG</i></p>
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